

N E W S

Of all sad words of tongue and pen,

The saddest are these ----

----- "It might have been."

John Whittier

L E T T E R

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Region 10 Tribal Newsletter



Work Shops and Conferences

June 10-11, 1999, Water Quality/Air Quality Conference, Doubletree Inn, South Center Mall Tukwila, WA. ATNI in conjunction with EPA is sponsoring this conference. For additional information see pg 1. of the May Region 10 Tribal Newsletter.

June 14-16, 1999, Field-Based Site Characterization Technologies, Seattle, WA. This advanced course is designed to offer participants with a detailed introduction to a wide array of technologies that can be used on site to characterize the chemical and physical nature of a hazardous waste site. No fee. For information call CERCLA Education Center at 703/603-9910.

June 28-July 2, 1999, Hazardous Materials Incident Response Operations, Tukwila, WA. Course is designed for personnel involved with the investigation and remediation of uncontrolled hazardous waste sites and, to a lesser extent, response to an accident involving hazardous materials. No fee. For information call Diane Ruthruff at 206/553-5139.

August 3-5, 1999, Introduction to Groundwater Investigations, Bremerton, WA. This introductory course provides information concerning hydro geological processes and necessary elements of a sound groundwater site investigation. No fee. Info see below.

August 6, 1999, Advanced Groundwater Investigation, Bremerton, WA. This one-day, advanced groundwater course is designed to provide participants an opportunity to apply their geologic and hydro-geologic skills to solve a challenging site investigation problem. No fee. For this and the Introduction to Groundwater Investigations contact Diane Ruthruff at 206/553-5139.

August 10-11, In Situ Permeable Reactive Barriers: Application and Deployment, Tacoma, WA. This course is designed to assist professionals in the regulatory community in overseeing the design, implementation, and monitoring of groundwater remedies that involve the deployment of permeable reactive barriers. For information call Cloyce Brackett/Kimberly Sams at 202/242-7712.

Tribal Publication

Publication of the "Tribal Environmental and Natural Resource Assistance Handbook" was initiated by the Domestic Policy Council (DPC) Working Group on American Indians and Alaska Natives, Subgroup on Environment and

Natural Resources and the Native American Fish and Wildlife Society. The Handbook is intended to provide a central location for federal sources of both financial and technical assistance available to Indian Tribes for environmental management. The information is arranged by governmental departments and agencies and cross-referenced by environmental categories (e.g., air, water, toxics, environmental education, etc.). Each entry provides specific categories of information: available assistance (technical and/or financial); purpose of assistance; eligible recipients (federally recognized Tribes, State recognized Tribes, Tribal members, Tribal environmental managers, etc.); application process (required forms, deadlines, evaluation criteria, etc.); and contact information. The Handbook is available on AIEO's home page at <http://www.epa.gov/indian/pubs.htm>. For

more information, contact Tonya Fish at 202/260-0769 or fish.tonya@epa.gov.

G.I.S. Conference

The Annual Intertribal GIS Council conference will be held July 11-17, 1999 at the Doubletree Hotel, Pendleton, OR. For this 6th Annual Conference, the host tribe will be the Confederated Tribes of the Umatilla Indian Reservation. The Conference agenda includes important workshops and ARCview training each day from 9:00 AM to 4:00PM. For further information and registration materials, contact the Intertribal G.I.S. Council Office or Bill Northover, Chairman at 541/966-9097, Fax 541/966-6010. For hotel reservations 541/276-6111. Pre-registration by June 25, 1999.

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WRAP

The Western Regional Air Partnership a coalition of tribes, states, and federal agencies, has created a new, interactive website to share timely information and strategies on reducing haze in the national parks and wilderness areas of the West. The site will allow for WRAP partners and others interested in western air quality issues to view working documents, obtain meeting agendas and summaries, and view a calendar of upcoming events. Contact information is also available on the site, and its interactive features allow visitors to comment on documents and other WRAP efforts. At: www.wrapair.org

Region 10's Air Quality Rules

How Tribal Communities and their Resources are Protected Now:

Today, the Clean Air Act includes some programs that EPA operates itself, both on state land and in Indian Country. For example, a contractor removing asbestos from any building must follow EPA regulations, no matter where the building is located. While these programs allow EPA to protect tribal communities from some activities that can harm the health of their members and damage their natural or cultural resources, the legal tools available to the Agency are very limited.

When EPA staff in Region 10 receive complaints from citizens living on or near reservations, they often have to admit that no regulation exists to address the problem. For instance, if a caller reports that dust is blowing from a local lumberyard into her yard and that her child had to go to the local clinic after an asthma attack, the answer she receives from our staff will probably not satisfy her. The answer she would receive today? "I'm sorry; there is no federal rule requiring businesses to control fugitive dust; and although your tribe has hired an air quality specialist, that person has not yet been able to draft an ordinance to

address this problem."

Two Ways to Improve this Situation:

Under the Tribal Authority Rule, tribes may develop Clean Air Act programs, including rules to control the air-pollution creating activities they believe are most important to their communities and resources. EPA is supporting the development of these programs through grants and technical assistance. Because air quality as an issue differs in urgency (compared to water quality, solid waste, and many other environmental concerns) from one tribe to another, EPA recognizes that not all tribes will choose to develop air quality programs. In addition, we understand that starting a new program, assessing the needs of the community, and adopting rules is a process that can take years, even for a tribe that sees this effort as a top concern.

As part of a long-term solution, EPA Region 10 believes it can also serve the needs of our tribal partners by creating basic air quality rules that help to "fill in the regulatory gap." In creating federal regulations for Indian Country, there are many issues to discuss with the tribes that will be affected by these rules. For instance, of the many rules that could be created, which will protect communities and resources best? How can they be written to respect tribal sovereignty? Which parts can tribal governments choose to implement? For these issues and more, Region 10 staff will host government-to-government consultation meetings.

The Consultation Process

For several years, Region 10 staff have worked with their contacts in tribal environmental programs to identify the causes of air quality pollution in Indian Country and to understand the concerns and priorities of the tribes. Our most recent and complete report about air quality pollution sources on each reservation in the Pacific Northwest is being sent now to tribal staff.

In June, we will discuss with tribal leaders, managers and attorneys what problems they have helped us to identify

and how the Air Rules Project can address them. This consultation will focus on policy and legal issues. The participants can expect to leave with a good sense of how important this Project is to their tribe's interest, and whether their staff should participate in later, more detailed meetings.

Later this summer, we will host a series of smaller meetings to discuss with tribal staff members many of the technical details - which activities each rule would affect, whether the limits in it are too strict or not strict enough, how rules can be tailored to meet differing needs of individual tribes, etc. Another tool for learning about air quality issues, the Air Rules Project, and the consultation schedule is our website. We will update it regularly during the consultation process.

Tribal Solid Waste Network

The June meeting for the eleven member tribes will be held at the Warm Springs Reservation on June 23-24, 1999. This meeting will be held during the Tribes Celebration "Pi Ume Sha", and is open to anyone interested in attending.

West Coast Estuaries

The Environmental Monitoring and Assessment Program (EMAP) is an EPA research program to develop the tools necessary to monitor and assess the status and trends of national ecological resources. A five-year pilot project is beginning in the western states this year. EMAP will focus initially on coastal systems (estuaries and coastal waters), inland aquatic systems (rivers and streams) and landscapes. During 1999, sampling will begin in several estuaries in Washington and Oregon, while planning for the landscape and stream projects continues. Fifty sample locations were randomly selected in both Washington and Oregon. An additional thirty locations in Tillamook Bay will be sampled in order to test the sampling program at a more detailed scale.

Sampling will be conducted for EPA by the Washington Department of Ecology and the Oregon Department of Environmental Quality, with assistance from the National Marine Fisheries Service and EPA Region 10. The water and sediment from each location will be analyzed for organic and inorganic compounds, and the organisms living in the sediment will be collected and identified. Fish will be collected by trawling, where possible. Fish will be identified and tissue samples will be collected. The data from the project will be publicly available via the Internet as soon as complete and checked for accuracy. If you would like more information regarding the sample locations, a complete list of the analyses, or any other details regarding the project, contact Lorraine Edmond at 206/553-7366 or edmond.lorraine@epa.gov.

Indigenous Environmental Conference

On June 10th 1999, beneath the shadow of sacred Mt. Taylor in central New Mexico, a four day gathering of Native adults and children from throughout the nation and world will begin. The 10th *Annual Protecting Mother Earth Conference*, sponsored by the Indigenous Environmental Network and hosted by Dine' Care, a Navajo Reservation Community-based organization, with support from the Acoma-Laguna Coalition for a Safe Environment, will focus on a variety of environmental and social justice issues and opportunities.

For more information contact Charlotte Caldwell at 218/751-4967 or e-mail at: caldwell@northernnet.com or Anna Frazier at 520/657-3291 or e-mail at: dinecare@cnetco.com.

Wetlands

Grants are available through EPA's Wetland Development Grant Program to assist tribal, state, and local government agencies in their wetlands protection, management and restoration efforts. Grant funds can be used to develop new wetland programs or refine existing wetland programs. Recipients are required to cost

share a minimum of 25% of each award's total project costs. Priority will be given to projects that involve cooperative restoration, voluntary efforts, incentive programs, joint public/private partnerships and consensus-based watershed planning. Funding priority will be given to projects that develop partnerships among federal, state and local governments and other entities involved in wetlands protection, restoration, monitoring and/or management. For more information, call the Wetlands Hotline at 800/832-7828.

Violations

The Office of Enforcement and Compliance has a new Internet "tips and complaints" address for reporting Environmental Violations: <http://www.epa.gov/oeca/tips1.html>

LGEAN

The Local Government Environmental Assistance Network is a forum and clearinghouse of environmental information for local government/tribes. It provides 24-hour access to regulatory and pollution prevention information, message boards, regulatory updates, grants and financing information, and much more. Find it at: <http://www.lgean.org/>

Tribal Assistance Handbook

A Tribal Environmental and Natural Resource Assistance Handbook, developed by the domestic Policy Council Working Group on American Indians and Alaska Natives, is now available. This handbook is a compilation of federal sources of financial and technical assistance programs available for tribal environmental management. It is intended to benefit tribal environmental staff and to inform federal, regional, state, and local government employees about the sources of environmental assistance available in order to improve customer service to tribes. A significant section on EPA is included in the handbook. Sources of assistance span

various environmental categories, including: air, water, plants and animals, toxics/hazardous waste, solid waste, pollution prevention, emergency preparedness and response, and environmental education. The document is available at: <http://www.epa.gov/indian/tribhand.htm>

Pesticides

EPA recently published a brochure on potential exposure to pesticides in foods and ways your family can minimize exposure. Titled *Pesticides and Food: What you and your Family Need to Know*, the pamphlet gives an overview on the amount of pesticides allowed on foods. The free brochure is available by calling 800/424-4372.

AISES

American Indian Science and Engineering Society /EPA Scholarships applications are now available through their website www.aises.org and must be submitted by June 15, 1999. Students who have junior standing next fall, and are in the sciences/engineering fields or are studying natural resources/environmental sciences/engineering fields, is committed towards environmental protection of tribal homelands (essay required) and has gained understanding of tribal culture (a statement) and has a 2.5 GPA or higher are eligible to apply for the EPA Tribal Lands Environmental Sciences scholarships. Recipients receive \$4,000 awards to assist with higher education costs, plus agree to work for a summer with EPA, a tribal government, or at an environmental facility (if a professional scholarship is offered them). Please call Cynthia Bouillard, Scholarship Coordinator at: 303/939-0023 extension 37. or cynthia@aises.org

Shoshone-Bannock Air

In April, 1999, the Shoshone-Bannock Tribes filed a motion with the Court to intervene in the EPA/FMC RCRA Consent Decree Settlement. In an order

dated May 18, 1999, the presiding judge ruled in favor of the Tribes' motion to intervene and approved the Tribes' late filing of their brief. EPA did not oppose the Tribes' motion. The judge has given EPA until June 4, 1999 to submit their brief to the Court. A hearing was not requested by the Tribes.

Weird Science

Billed as The Yuckiest Site on the Internet it's teaching kids basic science by appealing to their natural curiosity about all things gross.

To enter the site: www.yucky.com. It is one of the wacky sites on the web. The site also offers lesson plans for teachers hoping to capitalize on the enthusiasm of youth for crazy stuff.

Alaska

EPA is pleased to announce that on Tuesday, May 4, 1999 Sitka Tribe of Alaska signed a Tribal Environmental Agreement (TEA) with EPA in Anchorage, Alaska. Laurence Widmark, Jr. (Tribal Chairman), Robi Craig and Jack Lorrigan (Sitka Tribal staff) and were in attendance with the EPA staff on this occasion. The Agreement will provide a mechanism to address planning and resource needs, maximize technical assistance, to build tribal environmental capacity, and to support the continued involvement of the Sitka Tribe in the development of EPA policies and procedures. It articulates language which addresses the unique cultural and governmental aspects involved in Tribal environmental protection. The Agreement is designed to recognize and respect the sovereignty and legal status of both parties.

This is only the second Agreement of its kind in Alaska. The first TEA was signed with the Native Village of Barrow in June of 1998. Although EPA has never required Tribes to enter into TEAs, the TEAs now play a critical role in driving the Agency's planning process. TEAs have assisted Tribes in building an environmental presence. The Agreements represent serious commitments by both parties and seek to affirm the government-

to-government relationship between EPA and individual Tribes. **Congratulations to Sitka Tribe of Alaska**, and we look forward to continuing to build a strong partnership with you in the future!

Idaho

■ The Coeur d'Alene Tribe was presented with a plaque, from Avista Corp., formerly known as Washington Water Power Co., recognizing Henry SiJohn for contributing greatly to the relicensing of their dam near the Clark Fork River. It read: "He touched our lives and influenced our thoughts with the concept of planning not for today but for 7 generations and beyond. We thank the Coeur d'Alene Tribe for Henry SiJohn's contributions for the Clark Fork Celebration's 'Living License.'"

The following Clean Water Act 106 grants were recently awarded to tribes in Idaho and E. Washington:

- Kalispel Tribe: To conduct water quality monitoring, assess results and identify pollution sources
- Spokane Tribe: To conduct water quality monitoring and analyze results
- Couer d'Alene Tribe: To conduct water quality monitoring, prepare a Water Resources Management Plan and participate in local BAG/WAG
- Nez Perce: To provide technical training to staff, develop a Water Quality Monitoring Plan, analyze water quality standards options, and implement water quality criteria into the land use program
- Shoshone-Bannock Tribes: To develop water quality standards, conduct groundwater assessment, and develop a wellhead protection program.
- Colville Confederated Tribes: To conduct water quality monitoring and analyze results, and develop a boundary water quality protection plan.

The Coeur d'Alene Tribe recently announced they are investigating teaming up with local and regional farmers to turn

straw residue into particle board. The venture would provide an economic way to reduce an environmental impact, by giving seed growers an option for disposing of tons of straw residues, and create jobs on the reservation.

Oregon

Delores Pigsley, Chairwoman of the Confederated Tribes of Siletz Indians, Chuck Clarke, Regional Administrator of EPA Region 10, and Langdon Marsh, Director of Oregon Department of Environmental Quality signed the first Memorandum of Agreement (MOA) between these three governmental agencies. This happened on April 29th at the EPA Operations Office in Portland. The topic of the MOA was the environmental permitting and regulation of the Tribes' Toledo Mill site in Lincoln County.

Another first for a Tribe in Oregon: the Confederated Tribes of Warm Springs received approval for Treatment As a State (TAS) under Sections 303 (c) (Water Quality Standards program) and 401 (Water Quality Certifications) of the Clean Water Act. This approval applies to administration of the water quality standards program and conducting certifications for waters that lie within the exterior borders of the Warm Springs Reservation.

Congratulations !